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July 15, 2008

To: All Arizona Counsel

Re: Jin Ah Lee v. ANC Car Rental Corp., et al.


Dear Counselors:

We are forwarding Plaintiffs' Rule 26 Disclosure Statement with regard to the above captioned litigation. All referenced documents have been previously provided. Our expert witnesses are disclosed therein, and any opinions they have been able to render to date have been provided.

Plaintiffs again demand defendants' responses to discovery, including both answers to interrogatories and document requests. Defendants are also under obligation to disclose their expert witnesses and opinions within 60 days of this writing, as is set forth in Judge Newton's Order of June 23, 2008.

Should you have any questions or concerns, please do not hesitate to contact me at the telephone number above.

Very truly yours,


Kim E. Sparano

KES:la

THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCONINO

MICHAEL S. KIMM, ESQ.
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Attorney for Plaintiffs

-----X	
JIN AH LEE, decedent, by her estate	:
representative, JUNGIL LEE,	:
SANG CHUL LEE, decedent's father,	:
and DUKSON LEE, decedent's mother,	:
	:
Plaintiffs,	:
	:
v.	:
	:
ANC CAR RENTAL CORP.,	:
GENERAL MOTORS CORP.,	:
and HONG-JUN JEON,	:
	:
Defendants.	:
-----X	

Case No. CV-2005-0307

Civil Action

**Plaintiffs' Initial Rule 26.1
Disclosure Statement**

PRELIMINARY STATEMENT

Plaintiffs Jin Ah Lee (Deceased), Sang Chul Lee and Dukson Lee, by and through their undersigned counsel, and pursuant to Rule 26.1(b)(1), Ariz. R. Civ. P., hereby discloses the following information.

In so doing, Plaintiffs incorporate in this statement all information contained in the Complaint, answers to interrogatories, responses to requests for production, depositions taken

or to be taken and documents identified and/or produced during discovery.

This disclosure statement and its contents represent the product of the investigation to date. This matter is only in the initial phase of discovery. Further investigation and discovery may divulge additional information that may have a bearing on Plaintiffs' claims. Accordingly, this disclosure statement is intended to be a preliminary disclosure statement only, and is subject to supplementation, amendment and/or modification, based on additional information that may be obtained through the discovery process. Plaintiffs reserve their right to identify additional witnesses, information or documents.

Subject to the foregoing statements, Plaintiffs state as follows:

I. Factual basis of the Claim

Plaintiff Jin Ah Lee died in a motor vehicle accident on June 1, 2003, in Flagstaff, Arizona. At the time of the accident, Defendant Hong Jun Jeon, an alien who possessed an "international driver's license" issued by the Republic of Korea, was driving a 2003 Chevrolet Malibu, rented from Defendant Alamo Rent a Car (improperly pleaded as ANC Car Rental Corp.). The car was rented in Las Vegas, Nevada, and Jeon drove with three passengers (Plaintiff Jin Ah Lee and two other friends) through the State of Arizona. Plaintiff JinAh Lee was seated in the rear of the car with a second female occupant and Jeon, the driver, was accompanied by another male in the front seats.

While driving through Flagstaff, Arizona, on a single lane, two way, level desert highway, heading westbound, Defendant Jeon attempted to pass a slow-moving vehicle

through the east bound lane, in a permitted “passing” zone. Defendant Jeon crossed into the on-coming lane and attempted to outpace the “slower” vehicle in the westbound lane, but was unable to do so before he saw an oncoming car. As oncoming traffic became visible, Defendant Jeon attempted to slow down and maneuver the Malibu back to the westbound lane, but the Malibu lost stability. It “fishtailed” out of control, and left the road surface, off the shoulder, into the unpaved dirt. The Malibu failed to break properly due to weak or small break pads, lack of an anti-lock braking system (ABS), the wheels and body vibrated extensively, bounced up and down, and the frame and body became unstable.

Once the Malibu left the road surface and traveled into the dirt, it rolled over at least 3.5 times, passenger side leading, and sustained extensive structural damage, including the collapse of its roof, the disintegration of its frame, and the destruction of all windows and windshields. It came to rest on its roof. During the rollover, Plaintiff Jin Ah Lee was ejected out of the passenger compartment of the vehicle. She was found approximately 34 feet from the vehicle and had suffered serious physical injuries to various parts of her body. Emergency assistance was provided and Plaintiff was transported by air to Flagstaff Medical Center. She died there from “multiple blunt-trauma injuries” sustained in the accident. She suffered extensive pain between the time of the accident and the time of her death, several hours later.

II. Plaintiff’s Legal Theories

Plaintiff Jin Ah Lee’s untimely death is believed to be caused by some or all of the

following causes of action:

As to Defendant General Motors ("GM"): Improper testing and failure to implement adequate dynamic rollover tests concerning hundreds of thousands of cars, including the Malibu. Improper design and knowing, intentional, willful, wanton and/or reckless disregard of the risks to the public safety, as well as the safety of Plaintiff Jin Ah Lee. Improper manufacturing and knowing, intentional, willful, wanton and/or reckless disregard of the risks to the public safety, as well as the safety of Plaintiff Jin Ah Lee. Improper design/manufacturing and knowing, intentional, willful, wanton and/or reckless disregard of the risks to the public safety, as well as the safety of Plaintiff Jin Ah Lee. Failure to give adequate warning to the public about the dangers associated with and relating to the Malibu.

As to Defendant Alamo Rent a Car: Acquisition, use or rental of unsafe cars. Wrongful rental by Alamo to Jeon despite his failure to produce adequate documentation, despite his lack of driving experience; and/or despite his inappropriate age. Failure to warn Plaintiff Jin Ah Lee, Defendant Jeon and the other passengers of the Malibu that the car did not have certain safety devices, including ABS braking capability. Wrongful entrustment of a dangerous instrumentality to Defendant Jeon. Failure to provide policy information and payment for claims in contravention of its obligations as an insurance company and/or contract insurer.

As to Defendant Hong-Jun Jeon: negligence in the operation of the subject motor vehicle.

III. Witnesses Expected to be Called at Trial and Subjects of Information

Based upon facts known to date, Plaintiffs believe the following persons are likely to have discoverable information relevant to the claims in this litigation:

1. Jungil Lee, aka Armstrong Lee, decedent's representative, c/o Michael S. Kimm, Esq., may testify about plaintiffs' claims and damages;

2. Sang Chul Lee and Dukson Lee, plaintiff's parents, c/o Michael S. Kimm, Esq., may testify about plaintiffs' claims and damages;

3. Hong Jun Jeon, defendant, c/o G. Peter Spiess, Esq., may testify about plaintiffs' claims and defendants' defenses; including but not limited to the circumstances surrounding the rental of the Malibu and the events before, during and after the accident;

4. Joon Kyu Jang, front passenger in the car underlying this accident, whose address is presently unknown plaintiffs, may testify about the accident;

5. Hong Ju Eyim, rear passenger in the car underlying this accident, whose address is presently unknown plaintiffs, may testify about the accident;

6. Navajo Department of Public Safety representatives, including Carmen Begay (Radio Dispatcher), may testify about the call and handling of the accident investigation;

7. Navajo Department of Criminal Investigations representatives, including Raymond Butler (Acting Supervisor), may testify about the call and handling of the accident investigation;

8. Kayenta Police Department representatives, including Lt. Kirk Snyder, Officer

Gwendolyn Tso, and Officer Jason White, may testify about the accident scene, their investigation, and photographs taken of the scene;

9. Philomena Clisto, a third-party witness, P.O. Box 3595, Kayenta, AZ, telephone 298-265-7414, may testify about the accident;

10. Brian Martinez and Pauline Reed, 200 S. Marshal Street, #11, Casa Grande, AZ, telephone 520-876-4747, may testify about the accident;

11. Michael Iliescu, M.D., Coconino County Medical Examiner may testify about the autopsy of the decedent.

12. Flagstaff Hospital representatives, including the physicians and staff who treated Jin Ah Lee may testify about her injuries and her death;

13. Alamo Rent a Car representatives at the Las Vegas location where the subject-car was rented may testify about the defenses in this matter;

14. Other witnesses will be identified and disclosed when appropriate information is obtained by plaintiffs, and plaintiffs reserve the right to designate additional witnesses and supplement this disclosure as discovery progresses.

**IV. Names and Addresses of All Persons believed to have
Knowledge or Information**

See Above.

V. Names and Addresses of All Persons who have Given Statements

Plaintiffs have no knowledge of any statements concerning this matter, other than the statements which are contained in the accident report.

VI. Names and Addresses of Each Person Plaintiffs Expect to Call as an Expert Witness at Trial and Subject Matter of their Testimony

1. George Rechnitzer, Ph.D., Shane Richardson, Xprts, LLC, 510 S. Fairview Avenue, Goleta CA 93117 will testify as to the results of their analysis of the accident. See expert report. Plaintiffs reserve the right to amend, modify, alter and/or supplement this report as discovery progresses.
2. John O'Malley, accident reconstructionist. Mr. O'Malley is expected to testify as to how the accident occurred based on reconstruction/animation;
3. Donald L. Frankenfeld, economist. Mr. Frankenfeld is expected to testify as to decedent's estimated loss of earnings. See expert report. Plaintiffs reserve the right to amend, modify, alter and/or supplement this report as discovery progresses.
4. Plaintiffs reserve their rights to disclose additional expert witnesses, if appropriate, as discovery continues.

VII. Computation and Measure of Damages

Plaintiffs have already provided the Frankenfeld Report which computes Plaintiff Jin Ah Lee's loss of income damages; documents and information relating to other forms of damages are not presently available to Plaintiffs, but will be provided as discovery continues.

VIII. Tangible Evidence or Relevant Documents that may be Used at Trial and Relevant Insurance Agreements

Plaintiffs have already provided the following documents:

1. Jin Ah Lee's death certificate
2. Arizona State Police report
3. Photos of accident scene with Photo Legend
4. New England School of English, application
5. New England School of English, transcript
6. Korean college and high school transcripts
7. Frankenfeld Associates report of plaintiff Jin Ah Lee's loss income
8. Michael Kimm letter to Donald Frankenfeld dated 1-26-04
9. Legal Language Services, Inc., fee disclosure
10. Sang Chul Lee statement (unnotarized)
11. Accident reconstruction animation CD with Kayenta PD photos
12. Expert report prepared by Xprts, LLC.


13. Plaintiffs also reserve the right to use at trial any document produced or identified by defendants, including but not limited to documents listed in defendants' disclosure statements.

14. Plaintiffs have not completed their discovery of the facts relating to this case, has not completed discovery in this litigation and has not completed trial preparation to date. Plaintiffs reserve their rights to supplement this Disclosure Statement as discovery progresses.

**IX. Documents which may be Relevant to the Subject Matter of this
Action or Reasonably Calculated to Lead to the Discovery of
Admissible Evidence**

See above. Plaintiffs incorporate by reference the items that are listed above. Plaintiffs further state that this matter is in the initial phase of discovery and Plaintiffs have not identified every document that may be relevant to the subject matter of this action, or reasonably calculated to lead to the discovery of admissible evidence. To that extent, Plaintiffs reserve their rights to identify these additional documents which may be produced and/or identified as discovery continues. Further, by producing and identifying documents under the mandatory disclosure rules, Plaintiffs do not waive their rights to object to the relevancy and the admissibility of these materials at a later date, and/or at the time of trial. Plaintiffs will supplement this disclosure statement as additional discovery is conducted.

Dated: July 15, 2008



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Certificate of Service

Michael S. Kimm, Esq., certifies the foregoing was served on defendants' counsel as follows:

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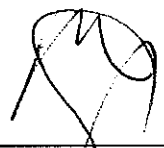
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Attorney (local counsel) for Plaintiffs

Dated: July 15, 2008



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TRANSMISSION VERIFICATION REPORT

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